

said president and managers, any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate, or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall keep the said road in perfect order and repair.

Right to
repeal.

SECTION 6. If the said company shall not proceed to carry on the said work within two years after the passage of this act, or shall not within five years thereafter complete the same according to the true intent and meaning of this act, then or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to the Commonwealth.

Annual elec-
tions.

SECTION 7. The election for president, treasurer and managers of said company shall be held annually on the second Monday of January.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and thirty-four.

GEO WOLF.

No. 196.

AN ACT

Authorizing the laying out of sundry State Roads.

Common's to
lay out a
State road
from Wil-
liamsburg to
Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Moses Lyle, James Lee and Thomas White of Washington county, are hereby appointed commissioners to view, lay out and mark a State road, beginning at a point in Williamsburg, where the State road from Williamsburg to the city of Pittsburg commences, as laid out under the act of December twenty-first, one thousand eight hundred and twenty-seven, and thence to the Virginia State line, in the direction of Wheeling.

Mt Pleasant
to Clinton.

SECTION 2. Thomas J. Hewett of Allegheny county, and James Pollock and John McCammant of Washington county, are hereby appointed commissioners to view, lay out and mark a State road, from the village of Mount Pleasant in Washington county, by Raccoon meeting house and Crafford's tavern, as

the Pittsburg and Steubenville turnpike road, to the village of Clinton in Allegheny county.

SECTION 3. Johnston Moore and David Summerville of Cambria county, and Robert Elliott of Huntingdon county, are hereby appointed commissioners, to view, lay out and mark a State road, beginning at Hollidaysburg, in the county of Huntingdon, thence by the nearest and best route, to intersect the public road leading from Clearfield town, Clearfield county, to Indiana, in the county of Indiana, at or near the Cherry tree, on the West Branch of the Susquehanna.

Hollidaysburg
to Indiana.

SECTION 4. Abraham Fertig of Schuylkill county, James Donagan of Berks county, and Adam Wise of Lebanon county, are hereby appointed commissioners, to view, lay out and mark a State road from Friedensburg, in Schuylkill county, to Pinegrove, thence to Port Mifflin, thence across the bridge over Swatara creek, thence along the south side of the great reservoir of the Union Canal to the Swatara gap in the Blue mountain, thence to John Harper's tavern, on the road leading from Harrisburg to Jonestown.

Friedensburg
to J. Harper's
tavern.

SECTION 5. David C. Cunningham, John Murrin of Butler county and Samuel Akens of Venango county, are hereby appointed commissioners, to view, lay out and mark a State road from Centerville, in Butler county, thence by the nearest and best route to McCauslins ferry, in Venango county.

Centerville to
M'Causlin's
ferry.

SECTION 6. James Gilles and William Armstrong, of Jefferson county, and David Reyner, of Venango county, are hereby appointed commissioners, to lay out a State road from the settlement on the head waters of Millstone creek, in Jefferson county, the nearest and best route, to the State road leading from the Clarion river bridge, on the Susquehanna and Waterford turnpike, in the county of Venango, at or near the farm of Peter Walley, junior.

Millstone ck.
to the farm of
P. Walley, jr.

SECTION 7. James Winsloe of Jefferson county, Elisha Benton of Clearfield county, and Benjamin Johnston of Huntingdon county, are hereby appointed commissioners, to lay out a State road from the mouth of Little Bald Eagle creek, in Huntingdon county, through Clearfield county, the nearest and best route, to Punxatawney, in Jefferson county.

Little Bald
Eagle to
Punxatawney

SECTION 8. Thomas McQuaid of Westmoreland county, Thomas Neil of Allegheny county, and William Purviance of Butler county, are hereby appointed commissioners to lay out a state road from M'Quaid's Inn in Westmoreland county by Tarentum the nearest and best direction to Saxonville in Butler county.

M'Quaid's
inn to
Saxonville.

SECTION 9. William Hoyt of Luzerne county, Ezekial Cole, and Daniel Bealer, of Columbia county, are hereby appointed commissioners to view and lay out a state road from the Wilkesbarre road at or near Shickshinney through the townships of Union and Huntingdon, to the Susquehanna and Tioga turnpike at Jones's mill.

Shickshinney
to Jones' mill

**Tamaque to
Mifflinburg.**

SECTION 10. John Franklin of Schuylkill county, Ezra S. Hayhurst, and Jacob Yohe of Columbia county, are hereby appointed commissioners to view, and if they or a majority of them deem it necessary, lay out and mark a state road beginning at the town of Tamaque in Schuylkill county, the nearest and best route through Hossensack valley to intersect the Old Cattawissa road, near the head of Waste House run, thence the nearest and best route to Shuman's tavern, and intersecting the Mifflinburg road, thence the nearest and best route to the town of Mifflinburg in the county of Columbia, on the south side of the North branch of the Susquehanna river.

**Duties of the
commissioners.**

SECTION 11. It shall be the duty of the said commissioners or a majority of those appointed for each road respectively, after taking an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act, with impartiality and fidelity carefully to view the ground over which the said roads may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and in such manner that the vertical departure from a horizontal line, shall at no point exceed five degrees unless it be at the crossing of ravines and streams, where by moderate filling or bridging the declination of the road may be preserved within that limit.

SECTION 12. It shall be the duty of the commissioners or a majority of them in choosing the ground to have due regard to the crossing of waters, to the declination and nature of the ground, to the expense of the townships, to the damages to private property and to all other circumstances affecting the respective routes, so that by a judicious and skilful combination of them, the route finally adopted, may best promote the public good.

**Authorized
to employ.**

SECTION 13. It shall be the duty of the commissioners plainly and distinctly to mark upon the ground the routes agreed upon for the roads as aforesaid in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners appointed on each respective road, are hereby authorized to employ two chain bearers, one axeman, and one staff bearer, at a per diem allowance not exceeding seventy-five cents.

**Make out fair
and accurate
drafts.**

SECTION 14. It shall be the duty of the commissioners to make out fair and accurate drafts of the said locations noting thereon the courses and distances from point to point as they occur, the improvements they pass through, and also the crossings of county and township lines, roads, or waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of December next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the roads pass, on the day aforesaid, or as much sooner as practicable which shall be a

**Copies to be
filed in the
Secretary's
office and of-
fice of the clk.
of Q. S.**

record thereof, and thenceforth the said roads shall be to all intents and purposes public highways, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECTION 15. The compensation of the commissioners shall be one dollar and fifty cents each, for every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay and the pay of their hands, as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which said roads pass, and paid by the treasurer thereof on warrants drawn in the usual way, each county to pay a part of the expenses incurred in laying out the same; in proportion to the distance which the road passes through the same, the commissioners shall meet on the first Monday of July next, or as soon thereafter as possible at such place or places as a majority of those appointed for each respective road may agree upon, and complete the said work as soon as practicable, and if any vacancy or vacancies shall happen by the resignation of one or more of the commissioners, or by any other cause, the Governor is hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Meetings;
when held.

Vacancies,
how filled.

SECTION 16. It shall be the duty of the said commissioners to take, if the same can be obtained, from each and every person or persons owning lands along the roads by them respectively to be laid out, acquittances or releases from any claim for damages, upon the condition that such road shall pass through such person or persons land or lands, and to file the same in the commissioner's office, in the proper county:

Comm'rs
shall take
acquittances,
&c.

SECTION 17. That an act entitled "An act authorizing compensation for damages done by certain State roads therein mentioned, within the counties of Bucks, Montgomery and Chester, passed the twentieth day of March, A. D. eighteen hundred and thirty-two, is hereby revived and shall continue in full force and virtue for the term of two years from the first day of May next.

Certain act
revived.

SECTION 18. Bernard Martin of Venango county and William Curry and Joseph Patton of Crawford county, are hereby appointed commissioners to lay out, by courses and distances, a State road beginning on the Susquehanna and Waterford turnpike road, at or near Shippenville, in the county of Venango, and extending to Titusville, in the county of Crawford, there to connect with the State road leading from Titusville to Union Mills, in the county of Erie, laid out by virtue of the seventh section of the act passed the fourth day of May, one thousand eight hundred and thirty-two, entitled "An act to authorize the laying out of a State road in Lancaster and Berks counties, and for other purposes."

Shippenville
to Union
mills.

SECTION 19. All the provisions of the act last aforesaid, enacted for the laying out of the State road last aforesaid, are hereby enacted to apply to this road: *Provided nevertheless*, That if the said commissioners can, without material injury to

Proviso.

the course of the road and with due regard to the declination and nature of the ground, locate the said road on any State or township road heretofore laid out, it shall be their duty to do so.

Certain acts of comm'rs declared null and void as respects the road from New Hope to the Maryland line.

SECTION 20. All the acts and proceedings of the commissioners, under the first and second sections of an act of Assembly, passed the twenty-fifth day of March, one thousand eight hundred and thirty-three, are hereby declared null and void, so far as respects the vacation of any part of a State road, laid out from New Hope to the Maryland state line, in a direction to Baltimore, situated between the Swedesford road, where it enters the land of Joseph B. Walker, in the township of Tredyfrin and county of Chester, and the Paoli tavern, located on the Philadelphia and Lancaster turnpike road, in the township and county aforesaid, and that the route between the points aforesaid, laid out by the commissioners from the counties of Bucks, Montgomery and Chester, in pursuance of an act of Assembly, passed the sixth day of April, one thousand eight hundred and thirty, is hereby continued a State road, and that all other acts and proceedings of the commissioners appointed under the act of the twenty-fifth day of March, one thousand eight hundred thirty-three, are hereby confirmed.

Continued a State road.

Portersville to Mercer and Butler T. R.

SECTION 21. Thomas Chrisley and Alexander M'Bride, of the county of Butler, and William Hambleton, of the county of Mercer, be and they are hereby appointed commissioners to lay out and mark a State road, from the village of Portersville, in the county of Butler, by way of the public bridges now over the Muddy creek and Slippery Rock, to the Mercer and Butler turnpike road, by the way of James Brackenridges in Mercer county, by the nearest and best route.

Duties of the commiss'rs.

SECTION 22. The said commissioners, or a majority of them, shall proceed to perform the duties required of them by this act, on or before the first Monday of October next, and that, in laying out and marking the said road, they are hereby required and enjoined, to lay out and mark the same upon such ground, that the road, when made, shall not exceed an angle of five degrees of elevation or depression with a horizontal line, and as nearly on a direct line as the face of the country will permit, and shall cause a draft of said road to be deposited in the office of the Secretary of the Commonwealth, and shall also deposit a copy of said draft in the office of the clerk of the court of Quarter Sessions, in the respective counties through which said road may pass, which shall be a legal record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired, in all respects, as roads are opened and repaired which are laid out by order of the court of Quarter Sessions of the peace, in the several counties of this Commonwealth.

Draft to be deposited in Secretary's office, & in the office of clerk of Q. S.

Oath of commiss'rs.

SECTION 23. Each of the said commissioners, before entering upon the duties of his appointment, shall take and subscribe an oath or affirmation, before some justice of the peace,

faithfully and impartially to perform the duties required of him by this act, and shall receive one dollar and fifty cents, each, ^{Compensation} for each day necessarily employed in performing the duties required of him by this act, together with a reasonable allowance for chain carriers and one marker, and the accounts of said commissioners, of the respective counties through which the said road may pass, and paid by the Treasurer of said counties, by orders drawn on the county treasury, in proportion to the distance said road shall pass through each county.

SECTION 24. So much of the act entitled, "An act declaring ^{Certain act} the river Susquehanna and other streams therein mentioned, repealed, in public highways," &c. passed the ninth day of March, one ^{part} thousand seven hundred and seventy-one, as relates to the Conedoguinet creek, is hereby repealed.

WM. PATTERSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.

No. 197.

AN ACT

To authorize the Governor to incorporate a company to erect a toll bridge over the river Susquehanna, at the village of Tunkhannock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Stark, Luman Ferry, James Kelly, Asa ^{Commissioners} Dana, Joseph Slocum, Nicholas Overfield and James Wright, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of November next, procure one or more books, and therein enter as follows: "We, ^{Books to be} whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the Susquehanna, at the village of Tunkhannock, the sum of ^{Form of sub-} fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of the General Assembly entitled, 'An act to authorize the Governor to incorporate a